

REMARKS/ARGUMENTS

In the Office Action mailed on February 22, 2010, claims 1-11, 14 and 16-23 were rejected. In response, claim 1 has been amended. Applicants hereby request reconsideration of the application in view of the amended claim and the below-provided remarks.

On May 4, 2010, a personal interview between the undersigned attorney and Examiner Pierre Louis Desir was conducted. In the personal interview, claims were discussed with respect to the cited reference of Novis et al. (U.S. Pat. No. 5,867,795, hereinafter “Novis”). In particular, proposed amendments were discussed to overcome the cited reference. However, no agreement was reached.

Claim Rejection under 35 U.S.C. 103

Claims 1, 2, 4, 9, 10, 16, 17 and 19-23 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Novis in view of Sakashita (U.S. Pat. No. 5,971,437A). Claim 3 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Novis in view of Sakashita and further in view of Amtmann et al. (PCT Pat. Pub. No. WO 00/45328, hereinafter “Amtmann”). Claim 5 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Novis in view of Sakashita and further in view of Page et al. (U.S. Pat. No. 6,801,787, hereinafter “Page”). Claims 6-8 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Novis in view of Sakashita and further in view of Raith (U.S. Pat. No. 6,510,515). Claim 11 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Novis in view of Sakashita and further in view of Fries (U.S. Pat. No. 6,367,701). Claim 14 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Novis in view of Sakashita and further in view of Benson (U.S. Pat. No. 6,292,561). Claim 16 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Novis in view of Sakashita and further in view of Yamada (U.S. Pat. No. 6,349,824 B1). However, Applicants respectfully submit that the pending claims are patentable over the cited references for the reasons provided below.

Independent Claim 1

Claim 1 has been amended. Support for the amendment to claim 1 is found at Applicants' specification at, for example, Fig. 1 and page 6, lines 1-8. Amended claim 1 recites:

"A processing device for the processing of an information signal, the device having a housing and having, first communication means disposed within the housing for receiving and/or transmitting the information signal, and having processing means for the processing of the information signal received and/or transmitted, and having second communication means disposed within the housing for the contactless retrieval of control information stored in a data carrier, wherein the data carrier is a SIM card, wherein the data carrier is disposed completely outside of the housing of the processing device and is adhesively attached to the housing of the processing device, and wherein the data carrier is configured to communicate wirelessly with the second communication means through a wall of the housing of the processing device, in which the processing of the information signal by the processing means can be influenced with the aid of the retrieved control information." (emphasis added)

Applicants respectfully assert that Novis in view of Sakashita does not teach "*having second communication means disposed within the housing for the contactless retrieval of control information stored in a data carrier, wherein the data carrier is a SIM card, wherein the data carrier is disposed completely outside of the housing of the processing device and is adhesively attached to the housing of the processing device, and wherein the data carrier is configured to communicate wirelessly with the second communication means through a wall of the housing of the processing device*" (emphasis added), as recited in amended claim 1. Because Novis in view of Sakashita does not teach all of the limitations of amended claim 1, Applicants respectfully assert that amended claim 1 is patentable over Novis in view of Sakashita.

The Office Action suggests that Novis teaches that "*the data carrier is disposed completely outside of the housing of the processing device and is adhesively attached to the housing of the processing device*" (emphasis added) and that "*the data carrier is configured to communicate wirelessly with the second communication means through a wall of the housing of the processing device*" (emphasis added), as recited in claim 1. However, Applicants respectfully assert that Novis does not teach the above-identified limitations of claim 1.

Novis teaches that a portable electronic device (10) includes a housing (11) that has a slot (16). (See Figs. 1-3 and column 3, lines 22-45 of Novis). Novis further teaches that the slot (16) is designed to place a smart card (18) adjacent to a sensor structure (19) that is mounted in the housing (11). (See Figs. 1-3 and column 3, lines 22-45 of Novis). The Office Action suggests that the smart card (18) of Novis is equivalent to the “*data carrier*” of claim 1. (See pages 3 and 4 of the Office Action). The Office Action also suggests that the sensor structure (19) of Novis is equivalent to the “*second communication means*” of claim 1. (See page 4 of the Office Action).

However, as shown in Figs. 1 and 3, the smart card (18) of Novis is not disposed completely outside of the housing (11). Additionally, as shown in Figs. 1 and 3 of Novis and also described in column 3, lines 22-45 of Novis, the smart card (18) is inserted into the slot (16) to be read by the sensor structure (19). Furthermore, Novis teaches that the sensor structure (19), which is mounted in the housing (11), communicates with the smart card (16), which is inserted in the slot (16), within the housing (11). (See Figs. 1-3, column 3, lines 22-45, and column 4, lines 7-33 of Novis).

Additionally, Novis teaches that while the slot (16) is preferable for correctly positioning the smart card (18), other structures might be utilized, including simply placing the smart card (18) adjacent to a sensor structure that is externally accessible. (See column 4, lines 41-45 of Novis). In other words, Novis teaches a structure where the smart card (18) is placed adjacent to a sensor structure that is externally accessible. However, Novis is silent as to whether the smart card (18) is disposed completely outside of the housing (11) in that structure. Additionally, Novis is also silent as to whether the smart card (18) communicate wirelessly with the sensor through a wall of the housing (11) in that structure.

Thus, Applicants respectfully assert that Novis does not teach that “*the data carrier is disposed completely outside of the housing of the processing device and is adhesively attached to the housing of the processing device*” (emphasis added) and that “*the data carrier is configured to communicate wirelessly with the second communication means through a wall of the housing of the processing device*” (emphasis added), as recited in claim 1.

Additionally, Applicants respectfully assert that Novis in view of Sakashita does not teach “*second communication means disposed within the housing for the contactless retrieval of control information stored in a data carrier, wherein the data carrier is a SIM card*” (emphasis added), as recited in amended claim 1.

As described above, Novis teaches that the portable electronic device (10) includes the housing (11), where the housing (11) includes the slot (16). Novis also teaches that the slot (16) is designed to place the smart card (18) adjacent to the sensor structure (19) that is mounted in the housing (11). Novis further teaches that the portable electronic device (10) includes controls unit (14). (See Fig. 1 and column 3, lines 31-34 of Novis).

Novis also teaches that a portable electronic device (28) includes a base component (29) and a remote unit (30). (See Fig. 4 and column 4, lines 34-38 of Novis). Novis further teaches that the portable electronic device (28) has a slot (33) to place a smart card (34). (See Fig. 4 and column 4, lines 52-55 of Novis).

Additionally, Novis teaches that the portable electronic device (10) or (28) may be a conventional cellular telephone device. (See column 6, lines 10-20 of Novis). Novis further teaches that controls (14) allow a user to choose the mode of operation of the portable electronic device (10) or (28) between a smart card reader/transmission mode and a conventional cellular telephone mode. (See column 6, lines 10-20 of Novis). Novis further teaches that portable electronic devices (10) and (28) may be programmed to permit use as a conventional cellular telephone as a default when the smart card (18) or (34) is not physically engaged in the slot (16) or (33). (See column 6, lines 10-20 of Novis). That is, Novis teaches that the portable electronic device (10) or (28) operates as a conventional cellular telephone even without the smart card (18) or (34). Thus, Novis teaches that the smart card (18) or (34) is not a SIM card. As a result, Applicants respectfully assert that Novis does not teach the above-identified limitation of amended claim 1.

Sakashita teaches that a non-contact type data carrier label has a data carrier for storing information and a support member for holding the data carrier. (See the abstract and Figs. 2-8 of Sakashita). However, Sakashita does not disclose that the data carrier is

a SIM card. Thus, Applicants respectfully assert that Sakashita does not teach the above-identified limitation of amended claim 1.

Accordingly, Applicants respectfully assert that Novis in view of Sakashita does not teach the above-identified limitations of amended claim 1. Because Novis in view of Sakashita does not teach all of the limitations of amended claim 1, Applicants respectfully assert that amended claim 1 is patentable over Novis in view of Sakashita.

Dependent Claims 2-11, 14 and 16-23

Claims 2-11, 14 and 16-23 depend from and incorporate all of the limitations of independent claim 1. Thus, Applicants respectfully assert that claims 2-11, 14 and 16-23 are allowable at least based on an allowable claim 1.

CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the amended claim and the remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-4019** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-4019** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

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